

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WALTER C. SMITH, III,

Defendant.

Case No. 06-cr-30070-DRH

ORDER

HERNDON, District Judge:

The government has filed a Motion for Leave to Respond (Doc. 60), which essentially requests it be allowed to file a sur-reply to Defendant's Motion to Suppress (Doc. 19), because it wishes to respond to a new allegation Defendant makes in his Reply (Doc. 59). The Local Civil Rule 7.1(c) does not typically allow filing sur-reply briefs. However, the Court realizes that it is necessary in this instance and thereby **GRANTS** the Government's Motion (Doc. 60). The Government is thereby allowed until November 10, 2006 to file its Sur-Reply brief. This brief shall not exceed five (5) pages in length.

IT IS SO ORDERED.

Signed this 2nd day of November, 2006.

/s/ David RHerndon
United States District Judge